

Remarks

Claims 1-12, 18, 19, and 21-27 are currently pending in the application. With this Response, claims 1, 6, 21, 24, and 25 are amended, claims 4, 5, 7, 8, 9, 12, 18, 19, 26, and 27 are canceled, and new claims 28-32 are added.

Upon entry of the current amendments, claims 1-3, 6, 10-11, 21-25, and 28-32 remain pending for consideration.

The claim amendments are supported by the application as originally filed, for example as follows.

Support for the amendments to claim 1, 24, and 25, can be found, e.g., at paragraphs [0041] and [0044] of the application as published (2005/0074534).

Support for added claim 28 can be found, e.g., at claim 1 and supporting text, and at examples 1 through 5. Example 2 shows a dough having a flour to water ratio of 1.67 and example 4 shows a flour to water ratio of 1.82. The remaining examples show ratios between these. Support for added claims 29-32 can be found in the original claims and specification.

Applicants respectfully request reconsideration and further examination of the application in view of the amendments above and remarks below.

Rejection Under 35 U.S.C. §102

Claims 1, 2, 5, 7-8, and 10-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Freyn et al. (U.S. Pat. No. 5,451,417).

Claims 5, 7, 8, and 12 are canceled.

The rejection of claims 1, 2, 10, and 11, is overcome by amendment to claim 1.

Amended claim 1 specifies a dough that includes about 1.0 to about 5 Baker's percent acidic active agent selected from the group consisting of monocalcium phosphate monohydrate, glucono-delta-lactone, sodium acid pyrophosphate, and combinations thereof, and from about 0.5 to about 3 Baker's percent basic active agent. The dough compositions of Freyn et al. do not include this specific combination of features, and amended claim 1 is not anticipated. Claims 2, 10, and 11, dependent on claim 1, are also not anticipated.

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 10, and 11, under 35 U.S.C. §102(b) as being anticipated by Freyn et al. be withdrawn.

Rejection Under 35 U.S.C. §103

Claims 3, 4, 6, 9, 18, 19, and 21-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freyn et al.

Claims 4, 9, 18, 19, 26, and 27 are canceled.

The rejection of claims 3, 6, 24, and 25 is overcome by amendment to claim 1 as discussed above.

The Freyn et al. reference is not believed to suggest the levels of acidic and basic agents or the claimed leavening properties recited at claim 1. The Freyn reference exclusively describes freezer-to-oven (FTO) doughs. FTO doughs have leavening properties that are significantly different compared to the leavening properties of a dough as recited at claim 1. As indicated at column 2, lines 5-29:

The above objects are accomplished by the present invention which includes a "just bake®" frozen dough containing: (a) yeast at a level of from 2% to 20%; and (b) a chemical leavening agent consisting of sodium or potassium bicarbonate and a leavening acid, wherein the bicarbonate is employed in the amount of from 2.5 to 4% and the leavening acid is present in the amount sufficient to completely neutralize the bicarbonate. .

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The term "just bake" (which is a registered trademark of Van den Bergh Foods Co.) as used herein means that the frozen dough of the invention may be taken out of the freezer and baked, without thawing and/or proofing, to obtain a baked product which is substantially similar in appearance, texture, structure, flavor, and aroma to a baked product which was proofed. The consumer needs only to transfer the frozen product from a freezer to a heated oven. The manufacturer does not need to carry out the proofing either. Yet the baked product obtained from the frozen dough of the invention substantially resembles a proofed baked product in appearance, taste and smell.

These doughs are intended to not proof prior to a baking step, i.e., to not proof during processing, packaging, or frozen storage. See also column 6, lines 6-12 (involving preparing, freezing, and baking a dough "without thawing or proofing"), and column 6, lines 59-63 (wherein processing includes "no proofing step"). The Freyn reference describes preparing doughs that are specifically formulated to avoid leavening and proofing during processing and storage, but to experience leavening only upon baking.

The claim 1 doughs would not have been suggested by the FTO doughs of Freyn et al. To the contrary, the claim 1 doughs are specifically designed to have the opposite leavening properties, to leaven and proof before baking. These leavening properties can be achieved by a dough having the formulation of claim 1, including specific ingredients and amounts recited therein. The ingredients and amounts of the dough of claim 1, effective to achieve the claimed leavening properties, would not have been suggested by the Freyn et al. reference, which is directed exclusively to doughs having completely different leavening properties.

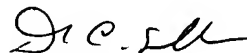
For similar reasons the Freyn et al. reference would not have suggested a dough as recited at amended claim 21, or by dependency, claims 22 and 23.

Accordingly, it is respectfully requested that the rejection of claims 3, 6, and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Freyn et al. be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance, and respectfully requested that the Application be passed to issue. The Examiner is invited to telephone the Applicants' undersigned representative in the event that such communication is deemed to expedite prosecution of this application.

Respectfully Submitted,

By: 
Daniel C. Schulte, Reg. No. 40,160
Customer Number 33072
Phone: 651-275-9806
Facsimile: 651-351-2954

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